

**Case Conclusion Data Sheet**

Complete

 EA #: 02-2008-0014
 Date Entered: 09/01/2009
 ORC Branch: NYSUP

Case and Facility Information

Court or Administrative Docket or Index Number 7:08-civ-6336

Enforcement Action Name Emma B. Masset

Site(s): Westwood Chemical Corp.

 Enforcement Action Type CIV
 Primary Statute/Section Violated CERCLA 107A - Cost Recovery
 Other Statutes/Sections
 CFR Citations:
Priority Activity☒ Core Priority

EPA Lead Attorney	Michael Mintzer	ORC-NYCSB	(office) 212-637-3168
EPA Program Contact	Dilshad Perera	ERRD-RPB	(office) 732-321-4356

Violation Type Other/Miscellaneous

Was this action taken in response to a violation found through an inspection?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Was this a Multi-Media action? (check all that apply)	<input type="radio"/> Yes <input checked="" type="radio"/> No
Was the Agency activity taken in response to Environmental Justice concerns?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Was Voluntary Disclosure Policy applied to this action?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Was Alternative Dispute Resolution used in this action?	<input type="radio"/> Yes <input checked="" type="radio"/> No

Conclusion Type	Judicial consent decree or court order
Date of Final Order Lodging	09/01/2009
Date of Final Order	09/01/2009
Estimated Termination Date	09/01/2011
Resolution Code	Final Order with Specified Cost Recovery

Injunctive Relief/Complying Action

Direct Actions to Reduce, Eliminate, or Treat Pollutants

Direct Environmental Reduction	Cost \$0.00
--------------------------------	-------------

Preventative Actions to Manage Waste Streams or Prevent Releases/Exposures

Preventative	Cost \$0.00
--------------	-------------

Preventative Actions to Minimize Potential Impacts

SEP(s)

Penalty

Final Assesed Penalty (Not including value of any SEP)

EPA \$0.00
State and Local Government \$0.00

For Multi-Media actions, enter the Federal amounts by statute:
Statute

Amount

CERCLA Cost Recovery

Amount of cost recover awarded

EPA \$184,500.00
State and Local Government \$0.00

Case Summary

EPA performed a time-critical removal action at the Westwood Chemical Corporation Superfund site, Orange County, NY ("Site"), between March 2, 2005 and March 1, 2006. The Site is the location of a former manufacturing plant owned and operated by Westwood Chemical Corp. ("Westwood"). Westwood had ceased operations in October 2004 resulting in the abandonment of hazardous substances at the Site which were addressed by EPA in the removal action. Westwood went into bankruptcy pursuant to chapter 7 of the bankruptcy code and was liquidated. In performing the removal action, EPA incurred approximately \$3,000,000 in response costs and has recovered approximately \$1,257,000 in the Westwood bankruptcy and an additional \$25,000 in an administrative settlement with Rocco Giovanniello a senior officer of Westwood and an operator of the facility. Emma B Masset, the settling defendant had declined EPA's offer to settle with her on an administrative ability-to-pay basis.

Self Disclosure Information

Disclosure under Audit Policy? ☐ Yes ☒ No
Disclosure under EPA's Small Business Policy? ☐ Yes ☒ No

Description	Frequency	Page	Due
Westwood Chemical Corp.			
Pay required cost recovery amount	once	4	10/01/2009
Pay required cost recovery amount	once	4	09/01/2010
Pay required cost recovery amount	once	4	09/01/2011
Achieve final compliance with all obligations under the order	once	4	09/01/2011

Site/Facility Information

02-2008-0014

Site/Facility Data

Facility Name: Westwood Chemical Corp.

Street 146 Tower Drive		
City Middletown	State NY	Zip 10941

County: Orange

Facility 4-Digit SIC code(s):

Is this a Federal Facility? ☐ Yes ☒ No


Is this a small business? ☒ Yes ☐ No

Is this Indian Land? ☐ Yes ☒ No

EPA FRS Number: 110001614398 Look for this number in FRS

EPA Program ID NO.: NYD072710502 (02-WN)

ICIS Number:

Parent Document-> 

Milestone

02-2008-0014

Facility	Westwood Chemical Corp.
Category	Payment Provisions
Milestone	Pay required cost recovery amount
Due	10/01/2009
Frequency	once
Page Number	4
Comments	\$61,500 plus interest from 9/1/09 pursuant to Paragraph 5.b

Milestone

02-2008-0014

Facility	Westwood Chemical Corp.
Category	Payment Provisions
Milestone	Pay required cost recovery amount
Due	09/01/2010
Frequency	once
Page Number	4
Comments	\$61,500 plus interest from 9/1/09 pursuant to Paragraph 5.c

Milestone

02-2008-0014

Facility	Westwood Chemical Corp.
Category	Payment Provisions
Milestone	Pay required cost recovery amount
Due	09/01/2011
Frequency	once
Page Number	4
Comments	\$61,500 plus interest from 9/1/09 pursuant to Paragraph 5.d

Milestone

02-2008-0014

Facility	Westwood Chemical Corp.
Category	Compliance
Milestone	Achieve final compliance with all obligations under the order
Due	09/01/2011
Frequency	once
Page Number	4
Comments	